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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,594	12/28/2000	Steven Rhodes	13572	4824

7590 09/03/2004

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EXAMINER

JUNG, MIN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,594

Applicant(s)

RHODES, STEVEN

Examiner

Min Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 17-34, 47-56 and 65-80 is/are rejected.
- 7) ☒ Claim(s) 5-16, 35-46 and 57-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 17-20, 25-32, 47-50, 55, 56, 65-70, 76, 79, and 80 are rejected under 35 U.S.C. 102(e) as being anticipated by Molitor, US 6,661,799.

Molitor discloses a peer-to-peer application communication using NAT (Network Address Translation).

Regarding claims 1, 20, 31, 50, 55, 76, 79, and 80, Molitor teaches a communication system including a packet network 400, and a switch (NAT 320) receiving first packets from at least one communication link (350, 360), each of the first packet including a source address (col. 10, lines 13-16), a shuffling unit (NAT including

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Address Translation 322 and Address Manager 324) for processing the first packets, the shuffling unit operative to extract data from the first packets and generate second packets at least partly on a basis of the source address of the first packets, the shuffling unit releasing the second packets to the packet network (col. 6, lines 32-43, col. 10, lines 17-29); and a switching unit for receiving third packets from the packet network, the switching unit operative to perform switching of the third packets for establishing at least one communication session (col. 6, lines 49-59, col. 10, lines 30-36). The same NAT reads on the switching unit and its function because it receives the externally valid IP address and a port number and translates it to internally valid address and port (and thereby switched to the intended Application). This is done via a connection request. This fact in combination with the teaching that the NAT 320 sending the reply packet from Application R1 421 on to Application A1 121 teaches that a communication session is established between R1 and A1.

Regarding claims 2, 32, and 56, Molitor teaches each of the packets (outgoing packet 130, packet 230, packet 250, and packet 150) including a source address, a destination address, and at least one data segment. See Fig. 2, and col. 6, lines 21-48.

Regarding claims 17, 28, 47, and 65, Molitor teaches IP telephony as an example of the communication sessions established, at col. 7, lines 32-45, and peer-to-peer communication at col. 7, line 65 – col. 8, line 4.

Regarding claims 25-27, and 68-70, Molitor's teaching of Internet Application with the specific application of IP telephony reads on the data application, voice application, and data and voice application of the present claims.

Regarding claims 18, 19, 29, 30, 48, 49, 66, and 67, Molitor inherently teaches conference call and broadcasting by stating that "for simplicity, we will confine discussion to two applications exchanging data between them, as oppose to a one-to-many or many-to-many exchange" (col. 7, line 65 – col. 8, line 4). It is apparent from this statement that a known conference call between multiple parties and/or broadcasting is intended by applying the simpler one-to-one version of the present teaching.

Further regarding claim 50, Molitor teaches the implementation of the switch using a machine readable storage medium containing a program element for execution by a computing apparatus by teaching that the NAT 120 may have hardware and software that apply its translation rules, stored in any form, such as a correspondence table 124. See col. 6, lines 35-37.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 21-24, 33, 34, 51-54, 71-75, 77, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molitor in view of Araujo, US 6,393,488.

Molitor does not show a plurality of switches (NATs). Araujo teaches a plurality of NATs connected to phone system 340. Note that the phone system utilizes IP addressing, therefore implying packet network. The NAT of Araujo performs network

address translation as is a known function of conventional NAT, and corresponds to the function of the shuffling unit of the present invention. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the communication system of Molitor by adopting a plurality of NATs as taught in Araujo to carry out the network address translation function at each leg of local area network.

Further regarding claims 3, 4, 33, and 34, Molitor teaches the decision block 511 (Fig. 5) in which the branch 513-517 corresponds to the limitation of claim 3, and the branch 512 corresponds to the limitation of claim 4. Note that the third packet and the second packet are the same packets in either of the decision branches, with the second packet being the packet transmitted to the network, and the third packet being the packet received by the switch (NAT).

Allowable Subject Matter

5. Claims 5-16, 35-46, and 57-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Gbadegesin patent, the Boden et al. patent, the Isaka patent, the Oran patent, the Luciani patent, the Srisuresh et al. patent, the Bhatia et al. patent, and the Voit patent, are cited for further teachings.

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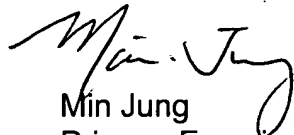
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363.

The examiner can normally be reached on Monday-Friday, 7AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
September 2, 2004


Min Jung
Primary Examiner